



NO. 2003-11

A Resolution authorizing and requesting the executive director to undertake certain actions in connection with development of total maximum daily loads ("TMDLs") for polychlorinated biphenyls ("PCBs") in the Delaware Estuary.

WHEREAS, in order for the Commission to prepare the required basis and background documentation and complete the public participation process for the TMDLs for PCBs in the Delaware Estuary ("the estuary") by December 2003, the complex mathematical modeling process for development of the TMDLs must be initiated by April 15, 2003; and

WHEREAS, in order to begin the modeling process, the Commission staff requires a TMDL endpoint (or endpoints), which is (are) the applicable water quality criteria; and

WHEREAS, at the time of likely issuance of the TMDL, the possible TMDL endpoints that may then be in effect, include, but are not limited to: the existing DRBC water quality criteria for PCBs, a proposed New Jersey wildlife criterion that may be adopted before the end of 2003, and a revised DRBC water quality criterion based on current U.S. Environmental Protection Agency ("EPA") guidance and an estuary-specific fish consumption rate and bioaccumulation factor; and

WHEREAS, the Commission's Toxics Advisory Committee ("TAC") has recommended that the DRBC revise its water quality criteria to reflect the most current EPA guidance and estuary-specific data; and

WHEREAS, the TAC also has recommended that the Commission develop an estuary-specific wildlife criterion for PCBs; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The executive director is authorized and requested to publish a notice of public hearing and establish a comment period for a proposal to revise the Commission's human health water quality criteria effective on or after January 1, 2004 to reflect site-specific data on fish consumption, site-specific bioaccumulation factors, and current U.S. Environmental Protection Agency guidance on development of human health criteria. Public comment on all assumptions of the proposed criteria, including the appropriate cancer risk level, should be sought.
2. The executive director is further authorized and requested to submit a letter to U.S. EPA Regions II and III requesting that they specify constant water quality criteria, which water quality criteria shall be used throughout and to the completion of the modeling process, which will serve as the basis for the TMDLs to be promulgated by the U.S. EPA in December 2003.
3. The executive director is authorized and requested to task the Toxics Advisory Committee and Commission staff with the development of estuary-specific wildlife criteria for PCBs for Delaware River management zones 2-6.

This Resolution shall take effect immediately.

/s/ John Hines

John Hines, Chairman pro tem

/s/ Pamela M. Bush

Pamela M. Bush, Esq., Commission Secretary

ADOPTED: March 19, 2003

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